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E.O. 11652: NA'

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SUBJECT: IEA SUBGROUP FOR ENERGY R&D, DRAFT GUIDING PRINCIPALS FOR R&D COOPERATION AND GUIDELINES CONCERNING INFORMATION AND INTELLECTUAL PROPERTY

REF: OECD PARIS 07286

TRANSMITTED BELOW IS TEXT CHAIRMAN'S DRAFT IEA GOVERNING BOARD DECISION ON GUIDING PRINCIPLES FOR R&D COOPERATION AND ANNEX CONAINING GUIDELINES CONCERNING INFORMATION AND INTELLECTUAL PROPERTY. THESE PAPERS TABLED THIRD MEETING IEA R&D SUBGROUP 20 MARCH 75 AND SCHEDULED FOR FURTHER DISCUSSION AT MAY 7 MEETING OF SUBGROUP.
BEGIN QUOTE:

BEGIN TITLE. DRAFT DECISION OF THE IEA GOVERNING BOARD ON GUIDING PRINCIPLES FOR COOPERATION IN THE FIELD OF ENERGY RESEARCH AND DEVELOPMENT.END TITLE
THE GOVERNING BOARD,
HAVING REGARD TO THE PROVISIONS OF ARTICLE 41 TO 43 IN CHAPTER VII OF THE AGREEMENT ON AN INTERNATIONAL ENERGY PROGRAM;
MINDFUL OF THE ROLE OF RESEARCH AND DEVELOPMENT IN ENERGY CONSERVATION AND IN PROVIDING ALTERNATIVE SOURCES OF

ENERGY; BELIEVING THAT MARKEDLY BENEFICIAL RESULTS ARE LIKELY TO FLOU FROM A POOLING OF THE INTELLECTUAL EFFORT OF THE INDUSTRIAL DEMOCRACIES; DETERMINED TO ADOPT AND TO IMPLEMENT IN THE NEAR FUTURE AN INITIAL PROGRAMME OF COOPERATIVE ACTIVITIES IN THE FIELD OF ENERGY RESEARCH AND DEVELOPMENT AND TO FURTHER REINFORCE AND ENLARGE THIS PROGRAMME; TAKING INTO ACCOUNT THE DESIRABILITY OF PROTECTING ENVIRONMENTAL QUALITY WHILE DEVELOPING ALTERNATIVE SOURCES OF ENERGY; CONVINCED THAT AN AGREEMENT BETWEEN PARTICIPATING COUNTRIES ON LIMITED OFFICIAL USE

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GUIDING PRINCIPLES FOR INTERNATIONAL COOPERATION IN THE FIELD OF ENERGY RESEARCH AND DEVELOPMENT WOULD SIGNIFICANTLY CONTRIBUTE TO FACILITATING AND ACCELERATING THE IMPLEMENTATION OF THEIR COOPERATIVE ACTIVITIES, DECIDES:
ARTICLE I: THE PARTICIPATING COUNTRIES SHALL THROUGH THEIR MEMBERSHIP IN THE SUBGROUP ON RESEARCH AND DEVELOPMENT OF THE STANDING GROUP ON LONG TERM COOPERATION, UNDERTAKE COOPERATIVE ACTIVITIES OF BENEFIT TO THEIR

NATIONAL ENERGY RESEARCH AND DEVELOPMENT OBJECTIVES,
IN ORDER TO ACHIEVE EFFECTIVE PROGRESS IN FULFILLMENT
OF CHAPTER VII OF THE AGREEMENT ON AN INTERNATIONAL
ENERGY PROGRAMME, AND IN ACCORDANCE WITH THE GUIDING
PRINCIPLES SET FORTH HEREIN, INCLUDING.

-- ENCOURAGEMENT AND IMPLEMENTATION OF EXCHANGES OF
INFORMATION AMONG ALL PARTICIPATING COUNTRIES REGARDING
NATIONAL PROGRAMMES, PUBLIC AND PRIVATE, ON ENERGY R&D
AND ENERGY-RELATED TECHNOLOGIES; AND

-- IDENTIFICATION AND PROMOTION OF PROGRAMMES AND PROJECTS
IN WHICH TWO OR MORE PARTICIPATING COUNTRIES CAN JOIN
FOR THEIR MUTUAL BENEFIT, INCLUDING THE FORMATION OF
CONSORTIA, INVOLVING BOTH PUBLIC AND PRIVATE INTERESTS,
TO IMPLEMENT CERTAIN JOINT ACTIVITIES.

ARTICLE II: EACH PARTICIPATING COUNTRY SHALL CONTRIBUTE
AS FULLY AS POSSIBLE TO THE COOPERATIVE ACTIVITIES
UNDERTAKEN IN ACCORDANCE WITH THE PRESENT DECISION AND
SHALL ENDEAVOR TO SECURE THE NECESSARY SCIENTIFIC, TECH-
NICAL AND FINANCIAL RESOURCES, AS APPROPRIATE, BY
ATTRACTING BOTH PUBLIC AND PRIVATE SUPPORT TO SUCH
COOPERATIVE ACTIVITIES.

ARTICLE III: (A) THE GOVERNMENTS OF THE
PARTICIPATING COUNTRIES SHALL, ENSURE THAT THEIR APPRO-
PRIATE DESIGNATED NATIONAL AGENCY OR AGENCIES TAKE PART

IN COOPERATIVE ACTIVITIES IN ACCORDANCE WITH THE PRESENT
DECISION AND RELATED DOCUMENTS, AND SHALL ENCOURAGE
PRIVATE CORPORATIONS OR COMPANIES OR OTHER ENTITIES
IN THEIR COUNTRIES TO TAKE PART IN SUCH ACTIVITIES
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AS APPROPRIATE.

(B) THE GOVERNMENTS OF THE PARTICIPATING COUNTRIES SHOULD
SEEK TO RATIONALIZE THEIR NATIONAL PROGRAMMES, AND AVOID
UNNECESSARY DUPLICATION WITH COOPERATIVE ACTIVITIES
UNDERTAKEN IN IMPLEMENTING THE PRESENT DECISION.

ARTICLE IV: PARTICIPATION IN COOPERATIVE ACTIVITIES
UNDER THE PRESENT DECISION SHALL BE ON THE BASIS OF
EQUITABLE SHARING OF OBLIGATIONS, CONTRIBUTIONS, RIGHTS
AND BENEFITS. PARTICIPANTS IN COOPERATIVE ACTIVITIES
WILL BE THOSE WITH THE ABILITY TO MAKE A CONSTRUCTIVE
CONTRIBUTION, WHETHER TECHNICAL, FINANCIAL OR OTHERWISE,
AS MAY BE AGREED.

ARTICLE V: IN ACCORDANCE WITH ARTICLE 42 OF THE AGREEMENT ON INTERNATIONAL ENERGY PROGRAMME, THE FIELDS OF RESEARCH AND DEVELOPMENT INTEREST SHALL INCLUDE AS A MATTER OF PRIORITY, BUT NOT BE LIMITED TO:

- COAL TECHNOLOGY
- SOLAR ENERGY
- RADIOACTIVE WASTE MANAGEMENT
- CONTROLLED THERMONUCLEAR FUSION
- PRODUCTION OF HYDROGEN FROM WATER
- NUCLEAR SAFETY
- WASTE HEAT UTILIZATION
- ENERGY CONSERVATION
- MUNICIPAL AND INDUSTRIAL WASTE UTILIZATION FOR CONSERVATION OF ENERGY
- OVERALL ENERGY SYSTEMS ANALYSIS AND GENERAL STUDIES.

ARTICLE VI: COOPERATIVE ACTIVITIES UNDER THE PRESENT DECISION MAY TAKE THE FORM OF, INTER ALIA:

- (A) EXCHANGE OF INFORMATION ON NATIONAL PROGRAMMES AND POLICIES, ON SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS, AND ON LEGISLATION, REGULATIONS AND PRACTICES;
- (B) MEETINGS TO IDENTIFY COOPERATIVE PROGRAMMES OR JOINT PROJECTS WHICH MIGHT BE USEFULLY UNDERTAKEN;
- (C) VISITS AND EXCHANGES OF SCIENTISTS, TECHNICIANS OR OTHER EXPERTS;

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- (D) SPECIAL COOPERATIVE PROGRAMMES IN THE FORM OF COORDINATION AND PLANNING OF SPECIFIC R & D STUDIES, WORKS OR EXPERIMENTS CARRIED OUT AT NATIONAL LEVEL, WITH SUBSEQUENT EXCHANGE, JOINT EVALUATION AND POOLING OF THE

SCIENTIFIC AND TECHNICAL RESULTS ACQUIRED THROUGH SUCH STUDIES, WORKS OR EXPERIMENTS;

- (E) CREATION OF SPECIFIC JOINT PROJECTS AND PROGRAMMES, INCLUDING PARTICIPATION IN THE OPERATION OF SPECIAL RESEARCH OR PILOT FACILITIES AND EQUIPMENT PROVIDED BY A PARTICIPATING COUNTRY, OR IN THE FORM OF JOINT DESIGN, CONSTRUCTION AND OPERATION OF SUCH FACILITIES AND EQUIPMENT;

- (F) JOINT DEVELOPMENT AND HARMONISATION OF TECHNICAL CRITERIA THAT MIGHT AFFECT THE IMPACT OF ALTERNATIVE ENERGY SOURCES ON THE ENVIRONMENT.

ARTICLE VII: (A) IN ORDER TO FURTHER CERTAIN COOPERATIVE ACTIVITIES, TWO OR MORE PARTICIPATING COUNTRIES MAY CONCLUDE, WHERE APPROPRIATE, SPECIFIC IMPLEMENTING AGREEMENTS IN ACCORDANCE WITH THE TERMS OF THE PRESENT DECISION AND TAKING ACCOUNT OF THE GENERAL GUIDELINES

CONCERNING INFORMATION AND INTELLECTUAL PROPERTY SET OUT IN THE ANNEX TO THIS DECISION.

(B) IMPLEMENTING AGREEMENTS SHALL BE OPEN FOR ACCESSION BY OTHER PARTICIPATING COUNTRIES AT A LATER STAGE AND A PARTICIPANT MAY WITHDRAW FROM AN IMPLEMENTING AGREEMENT AT A LATER STAGE, IF SUCH IS AGREED TO BY ALL THE PARTICIPANTS ON MUTUALLY ACCEPTABLE TERMS AND CONDITIONS.

(C) OTHER MEMBER COUNTRIES OF THE OECD MAY ACCEDE TO ANY COOPERATIVE ACTIVITY UNDER AN IMPLEMENTING AGREEMENT WITH THE AGREEMENT OF THE PARTICIPATING COUNTRIES.

(D) IMPLEMENTING AGREEMENTS SHOULD ESTABLISH THE TERMS OF THE CONTRIBUTION OF SCIENTIFIC AND TECHNICAL INFORMATION, KNOW-HOW AND STUDIES, OR MANPOWER, OR CAPITAL INVESTMENT AND OTHER FORMS OF FINANCING TO BE PROVIDED BY EACH PARTICIPANT.

(E) UNLESS OTHERWISE AGREED, IMPLEMENTING AGREEMENTS SHALL ASSIGN THE RESPONSIBILITY FOR THE OPERATIONAL MANAGEMENT OF THE COOPERATIVE ACTIVITY TO A SINGLE ENTITY, ACCOUNTABLE TO A SPECIFIC PARTICIPATING COUNTRY. LIMITED OFFICIAL USE

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ARTICLE VIII: (A) EACH PARTICIPANT, UNLESS OTHERWISE AGREED UPON BY THE PARTIES TO A SPECIFIC IMPLEMENTING AGREEMENT, SHALL BEAR THE COSTS OF ITS OWN PARTICIPATION IN THE COOPERATIVE ACTIVITIES UNDERTAKEN UNDER THE PRESENT DECISION, SUBJECT TO PROVISIONS IN SPECIFIC IMPLEMENTING AGREEMENTS RELATING TO THE SHARING OF EXPENDITURES.

(B) EACH GOVERNMENT OF A PARTICIPATING COUNTRY SHALL USE ITS BEST ENDEAVORS TO FACILITATE THE ACCOMPLISHMENT OF FORMALITIES INVOLVED IN THE EXCHANGE OF PERSONS, THE IMPORTATION OF MATERIALS AND EQUIPMENT AND THE

TRANSFER OF CURRENCY, WHICH ARE REQUIRED FOR THE PURPOSE OF THE COOPERATIVE ACTIVITIES UNDERTAKEN UNDER THE PRESENT DECISION.

(C) COOPERATIVE ACTIVITIES SHALL BE SUBJECT TO THE APPLICABLE LAWS AND REGULATIONS OF THE PARTICIPATING COUNTRIES AND SHALL BE SUBJECT TO THE APPROPRIATION OF FUNDS OF THE GOVERNMENTS AND THEIR NATIONAL AGENCIES CONCERNED.

ARTICLE IX: SCIENTIFIC AND TECHNICAL INFORMATION RESULTING FROM COOPERATIVE ACTIVITIES SHALL BE MADE AVAILABLE TO PARTICIPATING COUNTRIES SUBJECT TO THE TERMS OF SPECIFIC IMPLEMENTING AGREEMENTS.

ARTICLE X: THE TERMINATION OR MODIFICATION OF THE PRESENT DECISION SHALL NOT AUTOMATICALLY AFFECT EITHER THE CARRYING OUT OF ANY COOPERATIVE ACTIVITIES UNDERTAKEN IN

ACCORDANCE WITH THIS DECISION OR THE PROVISIONS OF ANY IMPLEMENTING AGREEMENT PREVIOUSLY CONCLUDED.

BEGIN TITLE: DRAFT DECISION OF THE IEA GOVERNING BOARD ON GUIDING PRINCIPLES FOR COOPERATION IN THE FIELD OF ENERGY RESEARCH AND DEVELOPMENT. ANNEX. GENERAL GUIDELINES CONCERNING INFORMATION AND INTELLECTUAL PROPERTY. END TITLE.

1. THE PARTICIPATING COUNTRIES ANTICIPATE THAT THE PRESENT DECISION WILL RESULT IN A WIDE RANGE OF FORMS OF COOPERATIVE ACTIVITIES AMONG A VARIETY OF LIMITED OFFICIAL USE

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PARTICIPANTS. FOR THE MORE USUAL FORMS, IT IS ANTICIPATED THAT MUCH OF THE RESULTING DATA WILL BE OF THE KIND WHICH ALL CONCERNED WILL WANT TO DISSEMINATE WIDELY. IT IS ALSO POSSIBLE, HOWEVER, THAT INVENTIONS AND DISCOVERIES, AND OTHER VALUABLE DATA OF A PROPRIETARY NATURE, WILL BE NECESSARY FOR THE PROPER FUNCTIONING OF THE COOPERATIVE ACTIVITY UNDER AN IMPLEMENTING AGREEMENT, AND, THEREFORE, THE PARTICIPANTS WILL WANT TO ASSURE THE PROTECTION OF INDUSTRIAL PROPERTY RIGHTS. ACCORDINGLY, THE GUIDELINES SET FORTH IN THE APPENDIX HERETO WOULD BE AVAILABLE FOR USE IN IMPLEMENTING AGREEMENTS COVERING COOPERATIVE ACTIVITIES WHICH DO NOT INVOLVE THE KIND OF COMMERCIALIZATION OR INDUSTRIAL DEVELOPMENT EFFORT FOR WHICH AN ARRANGEMENT SUCH AS A CONSORTIUM WOULD BE APPROPRIATE.

2. THE PARTICIPATING COUNTRIES ALSO RECOGNIZE THAT CERTAIN COOPERATIVE ACTIVITIES MAY ENTAIL THE NEED FOR A CONSORTIUM TYPE APPROACH LOOKING TOWARDS EARLY

INDUSTRIAL OR COMMERCIAL APPLICATION OF THE RESULTS OF A PARTICULAR COOPERATIVE ACTIVITY.

FOR SUCH SITUATIONS, IT MAY BE NECESSARY TO DEVISE ARRANGEMENTS MORE SUITABLY DESIGNED TO ENCOURAGE EARLY INDUSTRIAL APPLICATION AND COMMERCIAL MARKETING THAN WOULD BE LIKELY TO ENSUE FROM THE APPLICATION OF THE ARRANGEMENTS SET FORTH UNDER PARAGRAPH 1 ABOVE. ACCORDINGLY, THE PARTICIPATING COUNTRIES RECOGNIZE THAT IT MAY BE NECESSARY TO DEVELOP NOVEL ARRANGEMENTS TO ASSURE THE NECESSARY STIMULATION OF SUCH EFFORT. THE PARTICIPANTS SHOULD FORMULATE ARRANGEMENTS IN THE LIGHT OF THE SPECIAL ASPECTS OF SUCH PROJECTS AND TAKING INTO ACCOUNT THE PROVISION OF FUNDS AND OTHER RESOURCES BY EACH PARTICIPANT AND THE WISH TO SECURE EARLY UTILIZATION OF THE RESULTS OF THE PROJECT. IT CAN, NEVERTHE-

LESS, BE FORESEEN THAT SUCH ARRANGEMENTS SHOULD BE
GUIDED BY THE FOLLOWING PRINCIPLES:-

(A) THE PARTICIPANTS SHOULD USE THEIR BEST EFFORTS TO
ENSURE THE AVAILABILITY TO THE PROJECT OF THE MAXIMUM
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AMOUNT OF DATA KNOWN TO BE RELEVANT AT THE INITIATION
OF TH PROJECT FOR PURPOSES OF THE PROJECT.

(B) THE RESULTS OF SUCH PROJECTS SHOULD BE AVAILABLE
ON AN EQUITABLE BASIS TO THE VARIOUS PARTICIPANTS FOR
INDUSTRIAL OR COMMERCIAL APPLICATIONS SO AS TO
ENCOURAGE PRODUCTION AND MARKETING.

(C) THE RESULTS OF SUCH PROJECTS SHOULD BE MADE AVAIL-
ABLE TO ALL PARTICIPATING COUNTRIES FOR INDUSTRIAL OR
COMMERCIAL APPLICATION ON THE BASIS OF A ROYALTY AND
OTHER REASONABLE TERMS AND CONDITIONS TO BE AGREED
WITH THE PARTICIPANTS.

BEGIN TITLE: DRAFT DECISION OF THE IEA GOVERNING BOARD
ON GUIDING PRINCIPLES FOR COOPERATION IN THE FIELD OF
ENERGY RESEARCH AND DEVELOPMENT. APPENDIX. GENERAL GUIDE
LINES CONCERNING INFORMATION AND INTELLECTUAL
PROPERTY. END TITLE.

1. PARTICIPATING COUNTRIES SUPPORT THE WIDEST POSSIBLE
DISSEMINATION AND EXCHANGE OF SCIENTIFIC AND TECHNICAL
INFORMATION RESULTING FROM COOPERATIVE ACTIVITIES SUB-
JECT ONLY TO THE NEED OF PROTECTING INDUSTRIAL PROPERTY
RIGHTS.

2. INDUSTRIAL PROPERTY OF A PROPRIETARY NATURE, SUCH
AS TRADE SECRETS, INVENTIONS, PATENT INFORMATION, AND KNOW
HOW, MADE AVAILABLE FOR THE PURPOSE OF COOPERATIVE
ACTIVITIES, AND WHICH BEAR A RESTRICTIVE DESIGNATION,
SHALL BE RESPECTED AND SHALL NOT BE USED FOR COMMERCIAL
PURPOSES OR MADE PUBLIC WITHOUT THE CONSENT OF THE
ORIGINATING PARTICIPANT, EXCEPT AS PROVIDED BY PARA-
GRAPH 3 BELOW, WHERE SUCH INDUSTRIAL PROPERTY:

-- IS OF A TYPE CUSTOMARILY HELD IN CONFIDENCE BY
COMMERCIAL FIRMS;

-- IS NOT GENERALLY KNOWN OR PUBLICLY AVAILABLE FROM
OTHER SOURCES;

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-- HAS NOT ALREADY BEEN MADE AVAILABLE BY THE ORIGINATING PARTICIPANT OR OTHERS WITHOUT AN AGREEMENT CONCERNING ITS CONFIDENTIALITY; OR

-- IS NOT ALREADY IN THE POSSESSION OF THE RECEIVING PARTICIPANT OR ITS CONTRACTORS OR DOES NOT COME INTO THEIR POSSESSION FROM ANOTHER SOURCE.

3. EACH PARTICIPANT SHALL USE ITS BEST EFFORTS TO MAKE AVAILABLE TO THE OTHER PARTICIPANTS SUCH RELEVANT INDUSTRIAL PROPERTY OF A PROPRIETARY NATURE AS MAY REASONABLY BE NECESSARY TO A SPECIFIC COOPERATIVE ACTIVITY. SUCH INDUSTRIAL PROPERTY MAY BE DISSEMINATED WITHOUT THE CONSENT OF THE ORIGINATING PARTICIPANT AS FOLLOWS:

-- TO PERSONS WITHIN OR EMPLOYED BY THE RECEIVING PARTICIPANT FOR USE IN THE COURSE OF AND FOR THE PURPOSE OF THE COOPERATIVE ACTIVITY; AND

-- TO PRIME OR SUBCONTRACTORS OF THE RECEIVING PARTICIPANT FOR USE IN THE COURSE OF AND FOR THE PURPOSE OF THE COOPERATIVE ACTIVITY;

PROVIDED THAT THE INFORMATION DISSEMINATED TO ANY PERSON UNDER THE TWO SUBPARAGRAPHS ABOVE SHALL BEAR A MARKING RESTRICTING DISSEMINATION OUTSIDE THE RECIPIENT'S ORGANIZATION WITHOUT PRIOR WRITTEN APPROVAL OF THE ORIGINATING PARTICIPANT.

4. EACH PARTICIPANT WILL USE ITS BEST EFFORTS TO ENSURE THAT THE DISSEMINATION OF PROPRIETARY DATA RECEIVED UNDER IMPLEMENTING AGREEMENTS IS CONTROLLED AS PRESCRIBED HEREIN.

5. RIGHTS IN PATENTS OWNED OR CONTROLLED BY ANY PARTICIPANT AT THE COMMENCEMENT OF A PARTICULAR COOPERATIVE ACTIVITY, OR OWNED OR CONTROLLED BY ANY PARTICIPANT AS THE RESULT OF RELATED BUT INDEPENDENT CONCURRENT WORK, AND WHICH BEAR A DIRECT RELATIONSHIP TO THAT COOPERATIVE ACTIVITY:

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-- SHALL BE LICENSED TO THE OTHER PARTICIPANTS ON A ROYALTY-FREE BASIS FOR THE PURPOSE OF THAT COOPERATIVE

ACTIVITY ONLY.

-- SHALL BE LICENSED TO THE OTHER PARTICIPANTS FOR OTHER PURPOSES ON THE BASIS OF AN EQUITABLE SHARING OF OBLIGATIONS, CONTRIBUTIONS, RIGHTS AND BENEFITS UNDER THE IMPLEMENTING AGREEMENT; AND

-- SHALL BE LICENSED TO ALL OTHER PARTICIPATING COUNTRIES AND THEIR INDUSTRIES ON A REASONABLE ROYALTY BASIS.

6. AS TO ANY PATENTABLE INVENTION ORIGINATED IN CONNECTION WITH EXCHANGES OF PERSONNEL OR EQUIPMENT OR JOINT WORK OR STUDY EFFORTS OR EXPERIMENTS UNDER ANY IMPLEMENTING AGREEMENT, THE FOLLOWING RULE SHALL APPLY:

-- EACH PARTICIPATING COUNTRY TO THE COOPERATIVE ACTIVITY SHALL DETERMINE THE ALLOCATION OF ALL RIGHTS TO SUCH INVENTION IN ITS OWN COUNTRY, SUBJECT TO A NON-EXCLUSIVE, IRREVOCABLE, ROYALTY-FREE LICENSE TO OTHER PARTICIPATING COUNTRIES TO THE COOPERATIVE ACTIVITY WITH THE RIGHT TO GRANT SUBLICENSES UNDER SUCH INVENTIONS TO THEIR OWN NATIONALS: AND

-- THE PARTICIPATING COUNTRY TO THE COOPERATIVE ACTIVITY IN WHOSE COUNTRY THE INVENTION IS ORIGINATED SHALL HAVE THE FIRST OPTION TO ACQUIRE ALL RIGHT, TITLE AND INTEREST IN AND TO SUCH INVENTION IN COUNTRIES OTHER THAN THOSE PARTICIPATING IN THE COOPERATIVE ACTIVITY, SUBJECT TO A NON-EXCLUSIVE, IRREVOCABLE, ROYALTY-FREE LICENSE TO THE OTHER PARTICIPATING COUNTRIES TO THE COOPERATIVE ACTIVITY WITH THE RIGHT TO GRANT SUBLICENSES UNDER SUCH INVENTION TO THEIR NATIONALS.

7. ANY PARTICIPATING COUNTRY NOT INVOLVED IN THE COOPERATIVE ACTIVITY SHALL BE ENTITLED TO A NON-EXCLUSIVE, IRREVOCABLE LICENSE ON REASONABLE TERMS AND CONDITIONS TO ANY INVENTION SUBJECT TO PATENT ORIGINATED IN CONNECTION WITH ANY IMPLEMENTING LIMITED OFFICIAL USE

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AGREEMENT. IN VIEW OF THE FACT THAT SUCH INVENTIONS ARE SUBJECT TO DIFFERENT OWNERSHIPS IN DIFFERENT COUNTRIES AND SUBJECT TO MULTIPLE LICENSING AUTHORITIES WITHIN ANY SINGLE COUNTRY, THE IMPLEMENTING AGREEMENT SHOULD SET FORTH LICENSING PRACTICES AND APPROVALS, AND A DISTRIBUTION OF ROYALTY INCOME AMONG THE PARTICIPANTS BASED UPON AN EQUITABLE SHARING OF OBLIGATIONS, CONTRIBUTIONS, RIGHTS, AND BENEFITS OF THE PARTICIPANTS.

8. EACH PARTICIPANT SHALL ASSUME THE RESPONSIBILITY
TO PAY AWARDS OR COMPENSATION REQUIRED TO BE PAID TO
ITS EMPLOYEES ACCORDING TO APPLICABLE NATIONAL LAWS.

9. SIMILAR PROVISIONS SHOULD ALSO BE CONSIDERED WITH
RESPECT TO OTHER FORMS OF LEGAL PROTECTION SUCH AS
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